

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 648 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

K L PARMAR

Versus

STATE OF GUJARAT

Appearance:

MS MAMTA VYAS for Petitioner

None present for Respondents No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/04/98

C.A.V. JUDGEMENT

Heard the learned counsel for the petitioner and perused the special civil application.

2. It is really a sorry state of affairs that this matter pertains to pension and retirement benefits of the petitioner but the respondent-State has chosen not to file reply as well as nobody is present on its behalf to make oral submissions.

3. The grievance of the petitioner is that though he was ordered to be retired from the services of the Government from 31st March, 1983 but he has not been paid even the full and final amount of pension and other retirement benefits. From the facts of this case, I find that on attaining the age of superannuation, the petitioner was ordered to be retired from the services but the departmental inquiry which was pending against him was ordered to be continued. So as the departmental inquiry was pending against the petitioner, there may be some justification in withholding of the gratuity and computation of pension. But the petitioner has to be paid the provisional pension, which even, as per the learned counsel for the petitioner, has not been paid to him.

4. However, the learned counsel for the petitioner is unable to throw any light whether after filing of this special civil application, the petitioner has been paid the provisional pension or not and what ultimately transpired in the departmental inquiry which was ordered to be continued against the petitioner. There is all possibility that by now the departmental inquiry would have been completed and further that the petitioner would have been given all the retirement benefits. In such matters, it is the duty of the petitioner to bring on record the upto date facts of the case, which precisely the petitioner has failed to bring. The worse part is that the Government which is also equally responsible for disclosing of these facts before this Court has remained merely a silent spectator in the matter. Even it has not cared to file reply to the special civil application and further to see that somebody is representing it before this court.

5. In view of these facts, the interest of justice will be served in case this special civil application is disposed of in the terms that still if some grievance of the petitioner survives then he is at liberty to file a detailed representation to the respondent No.1 within a period of 15 days from the date of receipt of copy of this order and on receipt of that representation, the respondents shall decide the same within a period of three months, and in case the grievances made by the petitioner are accepted then he shall be given all the consequential benefits following therefrom within two months next. It is further ordered that in case the departmental inquiry which was ordered to be continued against the petitioner has not been completed so far then it shall be completed within a period of three months

from the date of receipt of writ of this order. The special civil application and rule stand disposed of in the aforesaid terms with no order as to costs.

zgs/-